

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:24-cv-00108-MR**

DERRICK D. COLLINS,

Plaintiff,

vs.

FNU BARNES, et al.,

Defendants.

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ORDER

THIS MATTER is before the Court on Plaintiff's Complaint, filed under 42 U.S.C. § 1983. [Doc. 1].

Pro se Plaintiff Derrick D. Collins ("Plaintiff") is a prisoner of the State of North Carolina currently incarcerated at Alexander Correctional Institution in Taylorsville, North Carolina. He filed this action under 42 U.S.C. § 1983 on April 25, 2024, and is represented to be submitted under penalty of perjury. [Doc. 1]. On review of Plaintiff's Complaint, it is apparent that it was written and signed by another prisoner and frequent litigant before this Court, Wendell J. Le Maitre. [See id. at 7-8; Case No. 5:23-cv-00160-MOC (Le Maitre v. Parker), Doc. 1; Case No. 5:23-cv-00196-MOC (Le Maitre v. Parlier), Doc. 1; Case No. 5:23-cv-00204 (Le Maitre v. U.S. Internal Revenue Service), Doc. 1; Case No. 5:20-cv-00203-MR (Le Maitre v. Chester), Doc.

1; Case No. 5:22-cv-00017-MR (Collins v. Alexander Correctional Institution), Doc. 1]. While prisoner-litigants may obtain assistance from other prisoners in drafting their complaints, they must personally sign the document. See Fed. R. Civ. P. 11(a). The Court is particularly troubled here because not only was Plaintiff's Complaint signed by another prisoner in Plaintiff's name, but also submitted under penalty of perjury by a false signature. [See Doc. 1 at 7-8]. The Court will strike Plaintiff's Complaint and require him to submit a complaint on the proper form and signed by him within 21 days of this Order.

ORDER

IT IS, THEREFORE, ORDERED that Plaintiff's Complaint [Doc. 1] is hereby **STRICKEN** from the docket in this matter.

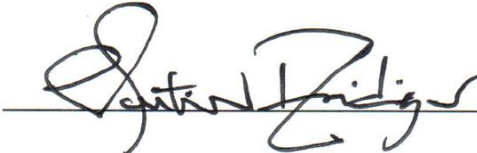
IT IS FURTHER ORDERED that if Plaintiff wishes to proceed in this action he must file a Complaint on the proper form signed by him within 21 days of entry of this Order.

IT IS FURTHER ORDERED that if Plaintiff fails to timely file a Complaint in accordance with the terms of this Order the Court will dismiss this action without prejudice.

The Clerk is respectfully instructed to mail Plaintiff a blank prisoner § 1983 form.

IT IS SO ORDERED.

Signed: May 1, 2024

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger
Chief United States District Judge

